

REMARKS

I. Status of the Application

In view of the following remarks, reconsideration of the rejections set forth in the Office Action of June 9, 2011, is respectfully requested.

No claims have been cancelled or amended. Claims 1-11 and 14-23 are now pending in the application.

II. 35 U.S.C. § 112

On pages 2 and 3 of the Office Action, the Examiner explains that the currently pending claims are now interpreted as invoking the sixth paragraph of 35 U.S.C. § 112. The claims are then rejected as being indefinite and as failing to comply with the written description requirement, based on the assertion that “the written description fail to disclose the corresponding structure, material, or acts for the claimed functions.” These rejections are traversed for the following reasons.

The official USPTO examination guidelines released in the Federal Register, Vo. 76, No. 27, on February 9, 2011 provide as follows:

“The structure corresponding to a § 112, ¶ 6 claim limitation for a computer-implemented function must include the algorithm needed to transform the general purpose computer or microprocessor disclosed in the specification. The corresponding structure is not simply a general purpose computer by itself but the special purpose computer as programmed to perform the disclosed algorithm. Thus, the specification must sufficiently disclose an algorithm to transform a general purpose microprocessor to the special purpose computer. An algorithm is defined, for example, as “a finite sequence of steps for solving a logical or mathematical problem or performing a task.” Applicant may express the algorithm in any understandable terms including as a mathematical formula, in prose, in a flow chart, or “in any other manner that provides sufficient structure.”” (Emphasis added).

It is noted that the Federal Register, including these official guidelines, is accessible at <http://www.gpoaccess.gov/fr/>. In view of the above, it is clear that an algorithm is considered to satisfy the requirement of corresponding structure in the written description with respect to computer-implemented inventions, and this algorithm can be expressed in the form of a flow chart. The Examiner's particular attention is directed to figures 1, 4, and 6-14 of the present application, which include flow charts expressing the algorithms relevant to the pending claims. In accordance with official USPTO guidelines, these algorithms satisfy the requirement for corresponding structure in the written description in the present application, and withdrawal of the rejections under 35 U.S.C. § 112 is respectfully requested.

III. Prior Art Rejections

Claims 1, 3-5, 8-10, 14, 17-19, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mizayaki (US 2004/0073814) in view of Brockway et al. (US 2004/0210897) and claims 2, 6, 7, 11, 15, 16, 20, 21, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mizayaki in view of Brockway et al. and further in view of Thomsen (US 7,194,004).

Importantly, Applicants note that the Examiner has interpreted the pending claims as invoking the sixth paragraph of 35 U.S.C. § 112. As set forth in MPEP 2182: “the application of a prior art reference to a means or step plus function limitation requires that the prior art element perform the identical function specified in the claim.” (Emphasis added). In other words, the prior art does not support a rejection of the claims unless the prior art actually performs the identical function set forth in the claims.

On page 7 of the Office Action, it is asserted that paragraph 0013 of the Brockway reference teaches an existence check unit corresponding to that of the present invention, and that it would have been obvious to modify the Mizayaki reference in view of Brockway to yield the present invention. Because combining Mizayaki and Brockway would not yield the invention of the pending claims, as discussed in detail below, Applicants traverse this obviousness rejection.

Claim 1 of the present application recites an existence check unit that confirms whether or not a response to the existence check instruction is received, and an access discard unit that instructs the resource providing device to reject an access from the resource use device from which a response to the existence check instruction is not received by the existence check unit. By contrast, paragraph 0013 of the Brockway et al. reference discloses a determination of whether peripheral devices of each client are connected to the network, but does not determine whether each client is connected to the network. Each client transmits to the server a list of peripheral devices connected to the client; however, if the client is no longer connected to the network, the server cannot receive the list from the client, and the server does not perform the existence check for the peripheral devices of the client. Accordingly, the server of the Brockway reference does not disclose an existence check unit that confirms whether or not a response to an existence check instruction is received, and likewise does not disclose an access discard unit that instructs the resource providing device to reject an access from the resource use device from which a response is not received. The combination of Miyazaki and Brockway thus does not meet the requirements of claim 1.

Further, it appears as though there would have been no reason to modify any of the prior art of record to yield a configuration which would meet the requirements of claim 1. It is thus submitted that the invention of the present application, as defined in claim 1, is not anticipated

nor rendered obvious by the prior art, and yields significant advantages over the prior art.

Allowance is respectfully requested.

Claims 2-9 and 19-23 depend, directly or indirectly, from claim 1 and are thus allowable for at least the reasons set forth above in support of claim 1. Claims 10 and 18 require limitations similar to those discussed above with respect to claim 1, and it is submitted that these claims are allowable for at least the reasons set forth above in support of claim 1. Claims 11 and 14-17 depend, directly or indirectly, from claim 10 and are thus allowable at least by virtue of their dependencies.

In view of the foregoing remarks, inasmuch as all of the outstanding issues have been addressed, it is respectfully submitted that the present application is now in condition for allowance, and action to such effect is earnestly solicited. If any issues remain after consideration of the response, the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

Germano LEICHSENDRING et al.

/Andrew D. St.Clair/

By

Andrew D. St. Clair
Registration No. 58,739
Attorney for Applicants

Digitally signed by /Andrew D. St.Clair/
DN: cn=/Andrew D. St.Clair/, o, ou,
email=astclair@wenderoth.com, c=US
Date: 2011.09.09 14:20:44 -0400'

ADS/nek
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
September 9, 2011